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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD, VIJAYAWADA**

SRI S.G.N. HAFEEZ PASHA S/o S.G.N. GOUSE MOHIUDDIN IS RECOGNISED AS HEREDITARY i.e., ALAL-AULAD-SAJJADANASHEEN-CUM-MUTAWALLI-SUNNI MOSQUE AND DARGAH OF SYED SHAH HAJI KHWAJA RAHMATULLAH SAHEB (NAYAB-E-RASOOL) FOR A.S.PETA (V&M) (RAHMATHABAD).

- Read : 1) Representation of the Sri S.G.N. Hafeez Pasha Sajjadanashen-cum-Muthawall of Dargah. Syed Khwaja Rahmatullah, Dated: Nil, received on 11-01-2019.
- 2) This Office Memo No. Dated: 11-01-2019.
- 3) Joint Reports of Inspector Auditors, Waqf, SPSR Nellore District, vide Lr.No. IAW/71/NLR/2012, Dated: 18-01-2019.
- 4) Joint report of I.A. Waqf, SPSR Nellore District, Dated: 21-01-2019.
- 5) Orders of the Hon'ble Chairperson, Dated: 01-02-2019.
- 6) Board's Resolution No., 31/2019, Dated: 02-02-2019.
- 7) Orders of the Hon'ble Chairperson, Dated: 07-02-2019.

F.No.02/M/NLR/2017/Z-IV/Supply,- The Waqf institution namely Sunni Mosque and Dargah of Syed Shah Haji Khwaja Rahmatullah Saheb Peer (Nayab-e-Rasool) situated at A.S. Peta Village and Mandal of SPSR Nellore District, is having attached properties total to an extent of Ac.26.24 cents at A.S. Peta Village and Mandal, SPSR Nellore District is a notified Waqf property and published in A.P. Gazette No.18-A, Part II, Dated: 02-05-1963 at Serial No.09.

In the reference 1st read above, Sri. S.G.N Hafeez Pasha, Sajjadanashin-cum-Mutawalli has submitted representation and stated that he recognized as hereditary i.e., Alai - Aulad Sajjadanashin Cum Muthawalli of Dargah Hazrath Khwaja Rahmathullah Nayeb-e-Rasool, Rahmathabad Shareef, vide I.A. 661/2016 in O.S. No.50 of 1913, Dated: 06-01-2017 by the Senior Civil Judge Court, Nellore and further he has requested to incorporated the same in A.P. State Waqf Board.

Basing on the said representation, this office has issued memo to the Inspector Auditor, Waqf SPSR Nellore District vide reference 2nd read above , with a direction to submit the detailed report on the contents of the representation.

Accordingly, the Inspector Auditors, Waqfs, SPSR Nellore District submitted their Joint report vide ref. 3rd read above, that they have conducted the spot inspection and enquired about the representation, Dated: 17-01-2019 and met with Sri S.G.N Hafeez Pasha, Sajjadanashin -cum- Mutawalli of subject Dargah. In their inspection, it is found that Sri. S.G.N Hafeez Pasha, is maintaining Mosque and Dargah as Sajjadanashin-cum-Mutawalli as hereditary i.e., Alal-Aulad in the light of I .A No. 661/2016 in OS No.50/1913, Dt: 06-01-2017, of Principal Sr.Civil Judge, Nellore by taken charge on 11-01-2017 from the Managing Trustee of Dargah. Further reported that the then CEO, APSWB, has also taken charge on 19-01-2017 from the Administrator i.e., Court, till then Sr. S.G.N. Hafeez Pasha , Sajjadanashin-cum- Mutawalli is maintaining the total subject Institution under the general Superintendence of A.P. State Waqf Board and requested to incorporate the name of Sri. S.G.N Hafeez Pasha, as hereditary i.e., Alal-Aulad Sajjadanashin-cum-Mutawalli as per the above Court orders.

The I.A. Waqf, SPSR Nellore District, submitted further report vide ref. 4th read above, that the Sajjadanashin-cum-Mutawalli is paying Waqf Fund regularly and also submitted Budget estimation and Accounts for the year 2017-2018.

The matter was placed before the Hon'ble Chairperson, APSWB, who after careful examination and passed orders vide the ref. 5th read above, that matter place before the Board meeting for recognition as Sajjadanashin-cum-Muthawalli in the light of orders vide I.A. No.661/2016 in O.S. 50/1913, and collect the Waqf Fund dues if any by the Muthawalli.

Accordingly, the said matter was placed before the Board and the Board has passed a resolution in the ref. 6th read above, "It is unanimously resolved that Janab S.G.N Hafeez Pasha, is recognized as hereditary i.e., Alal-Aulad Sajjadanashin cum Mutawalli of the Dargah Hzt. Khawaja Rahmathullah Nayab-e- Rasool, Rahmathabad Shareef in the light of I.A.No.661/2016 in O.S.No.50 of 1913, Dt: 06-01-2017 by the Senior Civil Court, Nellore for managing the affairs of the subject Waqf Institution by following Waqf Act, 1995 and Waqf Rules.

Accordingly, Sri S.G.N Hafeez Pasha is hereby recognized as hereditary i.e., Alal-Aulad Sajjadanashin cum Mutawalli of the Dargah.Hzt. Khawaja Rahmathullah Nayab-e-Rasool, Rahmathabad, A.S.Peta (V & M), SPSR Nellore District.

The Sajjadanasheen-cum-Mutawalli of the subject Dargah should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time. He should submit the Accounts, Budget, Income & Expenditure statements and pay Waqf Fund properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow Inspector Auditor Waqfs regarding property accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) Shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural land. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding 10% of the Net annual Income.
- j) The Mutawalli shall not file any Cases before any Court of Law without prior permission from the Waqf Board.

As per Sec. 101 (2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal act if any, every member of the committee will be liable for penal action. The Muthawalli shall also noted that Sec.3 (ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

SHAIK AHAMMED,
Chief Executive Officer,
Andhra Pradesh State Waqf Board,
Vijayawada.

Dated: 08-02-2019.

To
Sri.S.G.N Hafeez Pasha
S/o. S.G.N. Gouse Mohiuddin, Sajjadanasheen-cum-Mutawalli,
Sunni Mosque and Dargah of Syed Shah Haji Khwaja Rahmatullah(Nayab -e Rasool)
A.S.Peta (V & M), SPSR Nellore District.(Through I.A.Waqf, SPSR Nellore District.)